United Nations E/C.19/2014/L.2

Economic and Social Council

Distr.: Limited
15 May 2014

Original: English

Permanent Forum on Indigenous Issues
Thirteenth session
New York, 12-23 May 2014

Draft report

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Economic and Social Council

1. The Permanent Forum on Indigenous Issues has identified the following proposals, objectives, recommendations and areas of possible future action and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum on Indigenous Issues

Special theme: "Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46"

3. Good governance must be achieved at the international, national, regional and local levels and applies to Governments as well as corporate organizations and other institutions, including the governments and institutions of indigenous peoples. Good governance consists of the following elements or principles, which are interlinked and mutually reinforcing: transparency; responsiveness; consensus-building; equity and inclusiveness; effectiveness and efficiency; accountability; participation; consultation and consent; human rights; and the rule of law. Good governance is

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about who has access to decision-making and authority with regard to lands, territories and resources that result in revenue and services to peoples.

4. Such principles are key aspects of good governance and yet indigenous peoples continue to face obstacles to exercising their rights in terms of substance, content and procedure. The rights of indigenous peoples must not be empty rights. The practice of good governance, as distinct from the principles, applies to authorities including lands, territories, resources, peoples and citizens, fiscal resources and services.

5. Indigenous peoples have suffered the consequences of exploitation, subjugation and domination by Governments across the globe. The sixth preambular paragraph of the United Nations Declaration on the Rights of Indigenous Peoples states that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their owns needs and interests". Such actions from the colonial era continue. Whether considered individually or as a whole, the elements or principles of good governance have been achieved by very few countries.

6. Despite that reality, indigenous peoples have demonstrated extraordinary examples of good governance, ranging from the Haudenosaunee to the National Congress of Australia's First Peoples. According to Haudenosaunee faithkeeper Oren Lyons, self-determination as the basis of good governance means that indigenous peoples are equal to all other peoples.

7. The Permanent Forum notes that there are examples of indigenous laws, traditions and customs that represent good governance. There are instances where States have worked with indigenous peoples to develop governance structures that improve service delivery to indigenous communities and where indigenous peoples are involved in every stage of the project design. Such instances emphasize the importance of indigenous participation in decision-making and the design of governance approaches. The Permanent Forum heard constructive examples from States, including from Nicaragua in relation to the autonomy of indigenous peoples on the Atlantic coast and from the Government of Denmark in the specific context of the right to self-determination of Greenland.

8. Failure to achieve good governance can have devastating consequences. According to the Economic and Social Commission for Asia and the Pacific, "bad governance is being increasingly regarded as one of the root causes of all evil within our societies."[1] Many examples of bad governance were cited by the Permanent Forum during its thirteenth session, in particular with regard to bureaucracy, such as Governments making decisions without indigenous participation or consultation, Governments making policy in centralized locations without input from indigenous peoples and the imposition of new policies and programmes without any notice. That can lead to disempowerment and a lack of identity. In particular, some States have policies that criminalize indigenous peoples when they exercise the right to the self-determination of their lands and territories.

[1] See www.unescap.org/sites/default/files/good-governance.pdf.

9. The theme of good governance must be considered from an integral view, such as the fact that indigenous peoples' own forms of government are based on their social, economic, political, cultural and spiritual organizations. Indigenous peoples' forms of governance are addressed within the framework of article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous forms of governance must be supported as they often comply with indigenous peoples' identity, customs, rituals and principles of respect and rights to their territories and administration of natural resources. Indigenous governance should be incorporated in the broader debates of collective rights, including free, prior and informed consent.

10. The Permanent Forum calls on the entities of the United Nations system to collaborate with indigenous peoples in designing and implementing early warning systems to better ensure peace and security in their lands. That could include greater coordination between the Office of the Special Adviser on the Prevention of Genocide, the Office of the United Nations High Commissioner for Human Rights and indigenous peoples through their representative institutions.

11. The Permanent Forum recommends that the study on the situation of indigenous peoples and their participation in democratic societies and electoral processes in Latin America, under the United Nations Declaration on the Rights of Indigenous Peoples, be expanded to include the political and electoral participation of all indigenous peoples in democratic processes. In that regard, the Permanent Forum recommends that member Álvaro Pop and other members representing the following areas prepare their own studies to be presented at the fourteenth session of the Permanent Forum, in 2015: Latin America and the Caribbean (the Plurinational State of Bolivia), Arctic region (Alaska), Africa (Cameroon) and Asia (Bangladesh). The Permanent Forum also requests that the United Nations, particularly the United Nations Development Programme, provide support for developing those studies.

12. The Permanent Forum congratulates its member Edward John on his report entitled "Study on the impacts of the Doctrine of Discovery on indigenous peoples, including mechanisms, processes and instruments of redress" and reaffirms that all doctrines, including the doctrine of discovery, that advocate superiority on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust and should be repudiated in word and action.

Expert group meeting on the theme "Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples"

13. At its twelfth session, the Permanent Forum recommended that the Economic and Social Council authorize a three-day international expert group meeting on the theme "Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples". On 7 November 2013, at its reconvened substantive session, the Council authorized the international expert group meeting (decision 2013/259), with the following participants: members of the Permanent Forum, representatives of the United Nations system, other interested intergovernmental organizations, experts from indigenous peoples' organizations and interested Member States. The Council requested that the results of the meeting be reported to the Permanent Forum at its thirteenth session, in May

2014. In January 2014, the three-day expert group meeting was held at United Nations Headquarters.

14. Recognizing the central role of health as a precondition for economic and social development, the Permanent Forum reaffirms the right of indigenous peoples to the highest attainable standards of health, including sexual and reproductive health and reproductive rights, within the context of the International Conference on Population and Development, including access to health-care services for all without distinction. Over the past 20 years, the world has experienced remarkable progress in important areas concerning sexual and reproductive health. However, indigenous peoples are still disproportionately affected by many relevant problems, and little change has effectively occurred in their lives and well-being.

15. The United Nations Declaration on the Rights of Indigenous Peoples provides a comprehensive framework for addressing the gaps identified by participants at the expert group meeting. Those included the right to self-determination, the right to maintain and develop their own systems or institutions, the right to traditional medicines and health practices and the principle of free, prior and informed consent, which were all seen as cornerstones for the achievement of sexual and reproductive health and rights for indigenous peoples. Furthermore, the obligations of States to improve the situation of indigenous peoples, including their right to education, health care, food, water and sanitation, freedom from violence and discrimination, and decent work, were found to be mutually reinforcing and interdependent.

16. The Permanent Forum takes note of the report (E/C.19/2014/8) and recommendations of the expert group meeting and reiterates the recommendations contained in paragraphs 62, 64, 70 and 72 of the report, as set out below, which are specifically addressed to entities of the United Nations system.

17. In paragraph 70 of the report, the Permanent Forum recommends that it "should coordinate with the World Health Organization, the United Nations Population Fund and other relevant entities in the formulation of key intercultural standards and indicators of quality of care to be considered in the definition of a future post-2015 goal on universal health coverage that includes the sexual and reproductive health of indigenous peoples".

18. In paragraph 72 of the report, the Permanent Forum recommends that it "should coordinate with other agencies and actors on the development and implementation of an international research project on the sexual and reproductive health of indigenous peoples, ensuring an active partnership with indigenous peoples and organizations in all stages of the project. Such research would cover all areas included in the present report".

19. Considering their impact on the sexual and reproductive health and rights of indigenous peoples, the Permanent Forum calls, in paragraph 62 of the report, for "a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities".

20. The Permanent Forum recommends, in paragraph 64 of the report, that the relevant United Nations entities should "conduct a study, in partnership with indigenous peoples' organizations, that documents the linkage between environmental violence, including the operations of extractive industries, chemical

pollution and the destruction of the indigenous habitat, and the sexual and reproductive health of indigenous peoples, as well as issues pertaining to sexual exploitation, trafficking of indigenous girls and sexual violence, with concrete recommendations on protection measures".

21. The Permanent Forum recommends that the Joint United Nations Programme on HIV/AIDS, the United Nations Children's Fund and other relevant United Nations entities collaborate with indigenous organizations in all regions to develop comprehensive guidelines for culturally safe sex education best practices by and for indigenous peoples. That type of comprehensive education may serve as an effective violence-prevention means.

22. The Permanent Forum urges States to recognize and eliminate discrimination against indigenous peoples in relation to their sexual and gender identities. The Permanent Forum also calls on indigenous communities and States to support and uphold the right of indigenous young people to determine for themselves their own gender and sexual identity without fear and without the risk of discrimination or rejection from their communities. In addition, the United Nations system should work with indigenous young people to address homophobia and transphobia with a view to addressing the resulting issues of mental health, suicide and shame.